

Atty. Dkt. No. 074022-3302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DREWES et al.

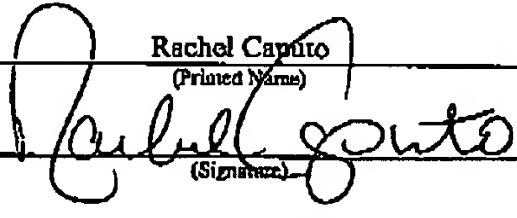
Title: METHODS AND DEVICES FOR
MASS TRANSPORT ASSISTED
OPTICAL ASSAYS

Appl. No.: 08/950,963

Filing Date: 10/15/1997

Examiner: Betty J. Forman

Art Unit: 1634

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia (571.273.8300) on the date below.
<div style="text-align: center;">Rachel Caputo (Printed Name)</div>
<div style="text-align: center;"> (Signature)</div>
<div style="text-align: center;">November 9, 2005 (Date of Deposit)</div>

TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145011/10/2005 TL0111 00000040 500872 08950963
01 FC:1814 130.00 DA

Sir:

Your Petitioner, Thermo Biostar Inc., having its principal place of business at 331 South 104th Street, Louisville, CO 80027, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 08/950,963 filed 10/15/1997 by virtue of an Assignment filed and recorded on March 23, 1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,933,112, which issued on August 23, 2005, from U.S. Patent Application No. 09/675,518, filed September 29, 2000, which is a continuation of U.S. Patent Application Serial No. 08/950,963 filed 10/15/1997 by virtue of an Assignment filed and recorded on March 23, 1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office.

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Your Petitioner, Thermo Biostar Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,933,112, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,933,112 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,933,112 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,933,112 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,933,112 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,933,112, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments referenced herein, and to the best of his knowledge and belief, legal title to the

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above identified patent application and U.S. Patent 6,933,112 rests with Petitioners, Thermo Biostar Inc. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date November 9, 2005By Barry Wilson

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